

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 94-116-S - ORDER NO. 95-606 ✓
MARCH 15, 1995

IN RE: Application of Wildewood Utilities,) ORDER DENYING
Inc. for Approval of an Increase in) MOTION TO COMPEL
Sewer Rates and Charges.)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion to Compel filed by the Consumer Advocate for the State of South Carolina (Consumer Advocate).

The Consumer Advocate moves this Commission to compel Wildewood Utilities, Inc. (Wildewood or the Company) to answer Consumer Advocate Interrogatory Nos. 1-22 and 1-23. Wildewood has objected to providing the information concerning the purpose of or how it determined the level of its plant impact fee on the grounds that it is irrelevant to the Application in this proceeding. Wildewood Utilities filed a return stating that the motion should be denied because it seeks information unrelated to the subject of this Application. First, monies collected pursuant to the currently authorized plant impact fee are not included in the applicant's earnings for ratemaking purposes. Second, the Company is not seeking to adjust the currently authorized plant impact fee. Finally, Wildewood states that the information requested in Consumer Advocate Interrogatories 1-22 and 1-23 is not relevant to the instant proceeding and is not reasonably calculated to lead to

the discovery of admissible evidence.

The Commission has considered this matter and agrees with Wildewood. We believe that since the Company is seeking no adjustment of the currently authorized plant impact fee, the information sought is not relevant to the present proceeding, and is not likely to lead to the discovery of admissible evidence. In any event, a utility rate which has been previously established in a rate proceeding is presumptively correct. See Hamm v. South Carolina Public Service Commission, ___ S.C. ___, 432 S.E.2d 454 (1993).

For the reasons stated above,

IT IS THEREFORE ORDERED THAT:

1. The Motion to Compel filed by the Consumer Advocate is hereby denied.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)